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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,237	07/11/2003	Yasushi Toda	Q76482	2854

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EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/617,237	TODA, YASUSHI	
	Examiner	Art Unit	
	MINH D. DAO	2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6,11 are rejected under 35 U.S.C. 102(e) as being anticipated by Horii (US 2002/0022504).

Regarding claim 1, Horii teaches a mobile terminal device having an antenna portion, wherein the antenna portion comprising: a tip portion located outside a casing of the mobile terminal device (see figs. 1A,1B,1C; section [0037]); and a switch unit controlling an operation of the mobile terminal device (see fig. 3; section [0043]. Switch 9/10 which controls the detection of the antenna's directions (forward and reverse) reads on the switch of the present invention).

Regarding claim 2, Horii teaches the mobile terminal device according to claim 1, wherein the switch unit is operated by operating the tip portion, and the mobile terminal device performs a predetermined operation (see section [0037,0043]).

Regarding claim 3, Horii teaches the mobile terminal device according to claim 2, wherein the switch unit includes at least one of a depression switch and a rotation switch (see sections [0013-0016,0037,0042,0059]).

Regarding claim 4, Horii teaches the mobile terminal device according to claim 3, wherein the depression switch is operated by pressing a tip portion thereof, and the rotation switch is operated by rotating a tip portion thereof (see sections [0013-0016,0037,0042,0059]).

Regarding claim 5, Horii teaches the mobile terminal device according to claim 2, wherein respective operation modes of the tip portion correspond to respective operations of the mobile terminal device (see sections [0013-0016,0037,0042,0059, 0021]).

Regarding claim 6, Horii teaches the mobile terminal device according to claim 5, wherein the operation modes of the tip portion, in which the mobile terminal device is operated, are changeable (see sections [0016-0021]).

Regarding claim 11, Horii teaches the mobile terminal device according to claim 2, further comprising a display unit, wherein the display unit displays an operation item of the mobile terminal device in accordance with a predetermined operation mode of the tip portion of the antenna portion (see sections [0016-0021, 0034]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horii (US 2002/0022504) in view of Kim (US 6,681,120).

Regarding claim 7, Horii, as mentioned above, teaches the limitations of claim 6, but does not disclose that the mobile terminal device outputs an alarm signal in accordance with a predetermined operation mode of the tip portion. Kim, in an analogous art, teaches a mobile communication device capable of activating an alarm button when the user is in need for an emergency assistance, and notifying the authority the location of the device (see col. 4, lines 27-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Kim to Horii in order for the combined system of Horii and Kim to

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automatically communicate with a remote facility and transmitting emergency data including sounds, pictures, location when activated by the user as taught by Kim (see col. 1, lines 19-29).

Regarding claim 8, the combination of Horii and Kim teaches the mobile terminal device according to claim 7, wherein the alarm signal is a sound wave signal (see col. 4, lines 27-67).

Regarding claim 9, the combination of Horii and Kim teaches the mobile terminal device according to claim 7, wherein the alarm signal is a radio wave signal (see col. 4, lines 27-67).

Regarding claim 10, the combination of Horii and Kim teaches the mobile terminal device according to claim 9, wherein the mobile terminal device sends an alarm signal including at least one of a current position of the mobile terminal device and a predetermined message to at least any of a police station and a rescue center (see col. 4, lines 27-67).

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5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horii (US 2002/0022504) in view of Boesen (US 6,542,721).

Regarding claim 12, Horii, as mentioned above, teaches the limitations of claim 6, but does not disclose that the mobile terminal device includes first and second casings connected to each other by a hinge portion, and the display unit can be viewed from an outside in a state where the first and second casings are folded. Boesen, in an analogous art, teaches a handheld personal electronic device having multiple displays and one of the displays can be viewed when the device in a folded closed position (see figs. 18,19; col. 7, lines 23-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Boesen to Horii in order for the user of the combined system of Horii and Boesen to view the information on the display of the device when it is in the folded closed position as taught by Boesen.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horii (US 2002/0022504) in view of Kaufman et al. (US 6,710,576).

Regarding claim 13, Horii, as mentioned above, teaches the limitations of claim 1, but does not disclose that the mobile terminal device according to claim 1, further comprising: a first battery holder for a first battery and a second battery holder for a second battery, wherein the mobile terminal device is operated by the second battery in

a case where the first battery is lost. Kaufman, in an analogous art, teaches a cellular phone having a first and a second battery (see claim 1; figs. 1-5; col. 4, lines 13-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Kaufman to Horii in order for the combined system to extend the operation of the device without the need for an auxiliary battery as taught by Kaufman (see col. 2, lines 8-10).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horii (US 2002/0022504) in view of Baermann (US 4,419,644).

Regarding claim 14, Horii, as mentioned above, teaches the limitations of claim 3, but does not disclose that the rotation switch includes a permanent magnet magnetized in a predetermined direction, and a search coil. Baermann, in an analogous art, teaches a holding device, which is part of an antenna assembly, having rotatable magnet that magnetizes in rotative switched or switched off position (see col. 1, line 51 to col. 2, line 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Baermann to Horii in order for the combined system to effectively create magnetized force to hold the antenna while rotating the antenna to operate the communication device.



8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horii (US 2002/0022504) in view of Miyamoto et al. (US 6,614,737).

Regarding claim 15, Horii, as mentioned above, teaches the limitations of claim 3, but does not disclose that the rotation switch includes a reflection plate, a light-emitting element emitting light onto the reflection plate, and a photodetection element receiving reflected light from the reflection plate. Miyamoto, in an analogous art, teaches an optical information device including a photodetection means that receives and analyzes light reflected from a reflection light caused by a rotation of a motor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Miyamoto to Horii in order to convert the light information into electrical signal as taught by Miyamoto.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW ANDERSON can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao *MD*  
AU 2618  
April 20, 2006



Matthew Anderson  
Supervisor AU 2618